

The Sergeant-at-arms was dispatched to bring in the absent Senators, and

The pending business went to the table.

Senator Harrison called up, from the President's desk, House bill No. 236, "An act to authorize and require the Commissioner of the General Land Office to issue a certificate for 1280 acres of land to J. B. Robertson, for military service."

Senator Traylor offered the following amendment:

Strike out "unlocated" and insert "unreserved" in the first section.

Adopted.

Senator Fowler offered the following amendment:

Amend by adding the following to section 1: "Provided, that if a sufficient quantity of the public domain for the location of said certificate cannot be found, the owner thereof shall have no further claim upon the State by reason of anything contained in this act."

Adopted.

Senator Fowler moved to adjourn till ten o'clock to-morrow morning.

Lost by the following vote:

YEAS—7.

Davis, Evans, Fowler,	Garrison, Hall,	Perry, Terrell.
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NAYS—14.

Bell, Calhoun, Getzendaner, Glasscock, Harrison,	Houston of Bexar, Houston of Wheeler, Pfeuffer, Pope, Randolph,	Shannon, Stinson, Traylor, Woods.
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ABSENT, NOT VOTING.

Jerdone,	Kilgore,	Knittel.
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Senator Calhoun moved the previous question on the engrossment of the bill.

Seconded, and

Main question ordered.

The bill was passed to third reading by the following vote:

YEAS—12.

Bell, Calhoun, Getzendaner, Glasscock,	Harrison, Houston of Bexar, Houston of Wheeler, Perry,	Pope, Randolph, Stinson, Traylor.
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NAYS—9.

Davis, Evans, Fowler,	Garrison, Hall, Pfeuffer,	Shannon, Terrell, Woods.
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ABSENT, NOT VOTING.

Jerdone,	Kilgore,	Knittel.
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On motion of Senator Pope,

The Senate adjourned till 10 o'clock to-morrow morning.

FIFTY-SIXTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, March 19, 1885. }

The Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.

Roll called.

No quorum present.

On motion of Senator Terrell,

The Senate took a recess till 10:45 o'clock.

Senate called to order.

Roll called.

No quorum present.

On motion of Senator Calhoun,

The Senate took a recess till 11 o'clock.

Senate called to order.

No quorum present.

On motion of Senator Stinson,

The Senate adjourned till 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

No quorum present.

The Sergeant-at-Arms was dispatched to bring in the absent Senators.

Senator Terrell moved to adjourn till 10 o'clock to-morrow morning.

Withdrawn.

Senator Terrell renewed the motion to adjourn till 10 o'clock to-morrow morning.

Lost by the following vote:

YEAS—5.

Fowler, Houston of Bexar,	Houston of Wheeler, Terrell, Kilgore,
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NAYS—14.

Bell, Calhoun, Evans, Garrison, Getzendaner,	Glasscock, Harrison, Perry, Pfeuffer, Pope,	Shannon, Stinson, Traylor, Woods.
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ABSENT, NOT VOTING.

Davis, Hall,	Jerdone, Kleberg,	Knittel, Randolph.
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Senator Terrell moved to adjourn till 9:45 o'clock to-morrow morning.

Lost by the following vote:

YEAS—9.

Davis, Fowler, Garrison,	Houston of Bexar, Houston of Wheeler, Kilgore,	Pope, Shannon, Terrell.
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NAYS—11.

Bell, Calhoun, Evans, Getzendaner,	Glasscock, Harrison, Perry, Pfeuffer,	Stinson, Traylor, Woods.
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ABSENT, NOT VOTING.

Hall, Jerdone,	Kleberg, Knittel,	Randolph.
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Senator Pope moved to take a recess till 4 o'clock
Withdrawn.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Houston of Wheeler,

The reading of the journal of yesterday was dispensed with.

On motion of Senator Terrell,

Senator Randolph was excused till Monday, on account of sickness.

On motion of Senator Terrell,

Senator Hall was excused for the day, on account of sickness.

On motion of Senator Pope.

Senator Jerdone was excused for yesterday.

On motion of Senator Glasscock,

Senator Knittel was excused till to-morrow.

On motion of Senator Garrison.

The Secretary of the Senate, Mr. Ramey, was excused for the day.

On motion of Senator Woods,

Senator Kleberg was excused for the day.

PETITIONS AND MEMORIALS.

By Senator Bell:

Petition of citizens of Coryell and Hamilton counties praying for the submission of a constitutional amendment on the prohibition of intoxicating liquors.

Referred to Committee on Constitutional amendments.

REPORTS OF STANDING COMMITTEES.

Senator Shannon:

COMMITTEE ROOM,
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred House bill No. 526, entitled "An act to define the duties of telegraph companies in the transmission of messages, and to provide adequate penalties for the enforcement thereof," have had the same under consideration, and instruct me to report it back with accompanying amendment with the recommendation that it do pass as amended.

All of which is respectfully submitted.

SHANNON, Chairman.

COMMITTEE AMENDMENT.

Amended by striking out all of section 1 after the enacting words and conform the remainder of the bill thereto.

Will read first time.

COMMITTEE ROOM,
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred House bill No. 324, entitled "An act to compel railroads and other corporations to establish and maintain public libraries in the State of Texas, and providing what books shall be kept thereat, and what said books shall contain, and requiring them to keep said books open for inspection, and to report them to the Comptroller or Governor the status of said corporations, and such other matters as may be required by said Governor or Comptroller, and providing appropriate penalties for a failure to comply herewith," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass, the same having taken action upon another bill which embraces the same sought to be enacted by this.

All of which is respectfully submitted.

SHANNON, Chairman.

Will read first time.

COMMITTEE ROOM,
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

A undersigned minority of your Committee on Internal Improvements, to which was referred House bill No. 324, entitled "An act to compel railroads and other corporations to establish and maintain public offices in the State of Texas, and providing what books shall be kept thereat, and what books shall contain, and requiring them to keep said books open for inspection, and to compel them to report to

the Comptroller or Governor the true status of said corporations, and such other matters as may be required by said Governor or Comptroller, and providing appropriate penalties for a failure to comply herewith," differing from the majority of the committee, submit that this bill seeks to enforce section 3 of article 10 of the Constitution; and that it is the duty of the Legislature to observe and enforce what the organic law plainly requires no one can deny.

It may be said that times are hard, that we have just passed through a financial crisis, and that no legislation calculated to embarrass railroads should be passed. If there is any argument in this, then we must conclude that the time has come when corporations are above the reach of the arm of the law.

Are there any corporations violating this section of the Constitution? If yea, should they be shielded from punishment? Should hard times protect violators of the law? If this provision of the Constitution is not being violated, then corporations which it is intended to affect cannot be harmed; we therefore recommend that the said bill do pass.

All of which is respectfully submitted.

RANDOLPH.

By Senator Evans:

COMMITTEE ROOM,
AUSTIN, March 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred House bill No. 560, entitled "An act to place upon the market and regulate the sale of the lands heretofore or that may hereafter be surveyed and set apart for the benefit of the common schools, Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds, which may have timber thereon suitable for lumber and shingles, and to prevent trespass upon the same, and prescribe a penalty therefor," have carefully examined the same, and instruct me to report the same back with the recommendation that it lie on the table until after action has been taken upon substitute House bills Nos. 8, 34 and 70, as the subject matter of this bill is embraced in said substitute House bill and the amendments recommended thereto.

All of which is respectfully submitted.

EVANS, for Committee.

Bill read first time.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, March 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills, have carefully examined and compared Senate bill No. 251, being "An act to amend article 182 of the Revised Statutes," and find it correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared substitute for Senate No. 163, being "An act to provide for the appointment of official stenographers for the district courts of the State of Texas," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 124, entitled "An act to amend article 1512, chapter 1, title 31 of the Revised Civil Statutes of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass with the following amendment: Strike out two thousand and insert one thousand in line 3, page 2.

All of which is respectfully submitted.

FOWLER, acting Chairman.

Bill read first time.

COMMITTEE ROOM.
AUSTIN, March 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

The undersigned, a minority of your Committee on State Affairs, to whom was referred House bill No. 124, "An act to amend article 1512, chapter 1, title 31 of the Revised Civil Statutes of the State of Texas," begs leave to dissent from the report of the majority of your committee, and recommends that the bill do not pass, for the following reasons: The bill, if it becomes a law, will require the county commissioners to give a bond for the faithful performance of their duties. As the duties of such officers are administrative and legislative, involving only the exercise of their best judgment on such matters as may be brought before them, and do not involve the handling of public funds, I see no good to be accomplished by a bond. A proof of any facts authorizing a recovery on the bond would make the officer amenable to punishment under our Penal Code.

The latter is a far more potent agency to prevent wrong than the former.

The commissioners' court is the legislature of the county. There is but little pay attached to the office of county commissioner, and most parties accept the office only after solicitation to that effect, and as a matter of patriotic duty, not as one of profit. Such men should not have the stamp of suspicion placed upon them by a legislative enactment. They should, as they do, feel honored by the trust imposed, and the public should likewise feel that their actions are prompted by an honest desire to discharge a duty, and not by reason of a pecuniary obligation behind them.

All of which is respectfully submitted.

GETZENDANER, for Minority.

COMMITTEE ROOM.
AUSTIN, March 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was re-referred House bill No. 437, entitled "An act to protect mechanics, operatives, bookkeepers, clerks and laborers who perform labor in any mill, factory, shop, store, office or farm against the failure of owners, sub-owners, contractors or agents to pay their wages, and to provide a lien for such wages," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass, with the accompanying amendments.

All of which is respectfully submitted.

FOWLER, acting Chairman.

COMMITTEE AMENDMENTS.

1. Amend section 2 by inserting between the words "for" and "twelve," in line 4, the words "services rendered or labor performed within," and strike out all after the word "the" in line 5, section 2, and insert in lieu thereof "termination of such employment."

2. Amend section 4, by inserting between the words "is" and "due," in line 13, the words "just and."

Bill read first time.

COMMITTEE ROOM.
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred a memorial of the citizens of Van Zandt county, have had the same under consideration, and instruct me to report it back with the recommendation that it be considered in connection with Senate bill No. 237, as both refer to the same subject.

All of which is respectfully submitted.

FOWLER, acting Chairman.

COMMITTEE ROOM.
AUSTIN, March 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 237, entitled "An act for the relief of A. C. Graham, Joshua Hallman, E. J. Sides, D. L. Riley, M. W. Ellis and G. W. Tull," have carefully considered the same, and instruct me to report it back to the Senate with the recommendation that it do not pass.

The object of this bill is to secure a release from the State for the parties whose names are mentioned from all liability on a judgment rendered against them by the Supreme Court at its Austin term, 1884, for \$2361.13, as sureties for one R.

Wells, tax collector of Van Zandt county. In the opinion of the committee, the Legislature is clearly prohibited by section 53 of article 3 of the Constitution from granting the relief prayed for.

The Supreme Court holds that there is a "liability" existing against these parties in favor of the State, and the Constitution expressly prohibits the release, by act of the Legislature of any liability to the State from any individual," etc. As for the claim made in behalf of the parties seeking the relief that the Supreme Court is wrong in holding that they are legally liable, we are of the opinion that the judgment itself, whether correct or not, creates a liability such as is contemplated by the Constitution.

All of which is respectfully submitted.

FOWLER, acting Chairman

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Glasscock:

"An act to amend chapter 18 of the Revised Civil Statutes by adding article 1379a."

Referred to Judiciary Committee No. 1.

Senator Woods moved that the Senate go into executive session next Monday after morning call, to consider the appointments of the Governor.

Adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVE
AUSTIN, March 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of House bill No. 373, "An act to authorize the collector of a newly organized county to collect the unpaid taxes found to be due in his county by the assessor's roll of the county, or counties, from which such county has been taken, or to which it has been attached for judicial purposes, and to provide for making transcripts from such rolls for the use of the collector in the new county."

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives.

House bill No. 373 was referred to Finance Committee.

Senator Traylor moved to postpone the special order and take up bills on third reading.

Adopted.

House bill No. 236, "An act to authorize and require the Commissioner of the General Land Office to issue a certificate for 1280 acres to J. B. Robertson for military service," was laid before the Senate and read third time.

Senator Woods moved a call of the Senate.

Call sustained.

Senators Fowler and Houston of Wheeler were found to be absent without excuse.

Senator Shannon moved to adjourn till 9:30 o'clock to-morrow morning.

Withdrawn.

Senator Terrell renewed the motion to adjourn. Lost by the following vote:

YEAS—9.

Davis,	Houston of Wheeler,	Shannon,
Garrison,	Jerdone,	Terrell.
Houston of Bexar,	Kilgore,	

NAYS—12.

Bell,	Glasscock,	Pope,
Calhoun,	Harrison,	Stinson,
Evans,	Perry,	Traylor,
Getzendaner,	Pfeuffer,	Woods.

ABSENT, NOT VOTING.

Fowler.

Senators Fowler and Houston of Wheeler were announced, and the Senate was declared full.

The bill (House bill No. 236) was passed by the following vote:

YEAS—11.

Bell,	Houston of Bexar,	Shannon,
Calhoun,	Houston of Wheeler,	Stinson,
Glasscock,	Perry,	Traylor.
Harrison,	Pope,	

NAYS—10.

Davis,	Getzendaner,	Pfeuffer,
Evans,	Jerdone,	Terrell,
Fowler,	Kilgore,	Woods.
Garrison,		

House bill No. 331, "An act to establish and define the boundaries of the county of Webb, and legalize certain acts of the officers of said county," was laid before the Senate.

Read third time and passed.

House bill No. 314, "An act relating to investments of the permanent public free school funds, and to provide against any loss of such funds in making investments," was laid before the Senate.

Read third time and passed.

Senate substitute for House bill No. 249, "An act to authorize the county commissioners' court to set aside from year to year not exceeding one-half of the road and bridge tax to purchase and establish free bridges; also to validate bonds heretofore issued for bridge purposes," was laid before the Senate and read the third time.

Senator Woods offered the following amendment:

Amend last section by adding the following words: "Chapter 18 of the Seventeenth Legislature, authorizing the issuance of bonds for building bridges, be and the same is hereby repealed," and amend the caption to conform to this amendment.

Adopted by the following vote:

YEAS—21.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Harrison,	Pope,
Davis,	Houston of Bexar,	Shannon,
Evans,	Houston of Wheeler,	Stinson,
Fowler,	Jerdone,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Perry,	Woods.

NAYS—none.

Senator Stinson offered the following amendment:

Amend by adding the following: "Provided, the parties who petition for any bridge shall first deposit with the clerk of the county court a sufficient amount of money to pay the expenses of said election before the commissioners' court shall be authorized to order said election."

Withdrawn.

Senator Harrison offered the following amendment:

Amend by adding the following proviso: "Provided, if at any such an election the vote shall be in favor of erecting or purchasing such bridge, then the county shall pay the expenses of such election, and the parties making the deposit herein required shall be allowed to withdraw the same, but not otherwise."

Adopted by the following vote:

YEAS—18.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Harrison,	Pope,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Terrell,
Fowler,	Kilgore,	Traylor,
Garrison,	Perry,	Woods.

NAYS—3.

Getzendaner, Houston of Wheeler, Stinson.

Senator Getzendaner offered the following amendment:

Amend by limiting the amount of road and bridge tax to be used to an amount not to exceed six cents on the one hundred dollars' valuation.

Senator Davis moved to adjourn till 10 o'clock to-morrow morning.

Lost by the following vote:

YEAS—9.

Davis,	Houston of Bexar,	Kilgore,
Fowler,	Houston of Wheeler,	Shannon,
Garrison,	Jerdone,	Terrell.

NAYS—11.

Bell,	Glasscock,	Stinson,
Calhoun,	Harrison,	Traylor,
Evans,	Perry,	Woods.
Getzendaner,	Pfeuffer,	

ABSENT, NOT VOTING.

Pope.

Senator Traylor in the chair.

Senator Terrell moved to adjourn till 9:30 o'clock to-morrow morning.

Adopted by the following vote:

YEAS—11.

Bell,	Houston of Bexar,	Perry,
Fowler,	Houston of Wheeler,	Shannon,
Garrison,	Jerdone,	Terrell.
Harrison,	Kilgore,	

NAYS—8.

Calhoun,	Glasscock,	Traylor,
Evans,	Pfeuffer,	Woods.
Getzendaner,	Stinson,	

ABSENT NOT VOTING.

Davis, Pope.

FIFTY-SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 20, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

No quorum present.

On motion of Senator Fowler,

The Senate adjourned till ten o'clock.

Senate called to order.

Roll called.

Quorum present.

Prayer by the Rev. Dr. Cocke, of Lexington, Va.

On motion of Senator Traylor,

The reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Calhoun:

COMMITTEE ROOM.
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Printing, to whom was referred Senate bill No. 242, entitled "An act to amend an act entitled 'an act to amend articles 1026, 1027, 1028, 1029, 1030, 1031 and 1032 of chapter 5, title 26, and articles 1077, 1078, 1079, 1080, 1081 and 1082, of chapter 15, title 26 of the Revised Civil Statutes of the State of Texas,' approved May 3, 1883," have had the same under consideration, and instruct me to report it back